

REMARKS

Claims 1-29 are pending in the current application, with claims 28 and 29 being newly presented for examination by this Amendment. Claims 1-27 currently stand rejected, and claims 1 and 9 have been amended. Reconsideration and allowance of claims 1-29 are respectfully requested in light of the preceding amendments and following remarks.

Objections to the Drawings

The Examiner objects to the drawings under 37 C.F.R. § 1.83(a) as failing to show every claimed feature of the invention. Specifically, the Examiner alleges that the “plurality of passageways from said feeding area to said resting area are arranged in at least two floors” recited in claim 8 is not shown. Applicants respectfully submit that the drawings are in compliance with 37 C.F.R. § 1.83(a), in that they show the claimed passageways arranged in at least two floors. Applicants respectfully direct the Examiner to, for example, FIG. 1, which is a schematic including a plurality of passageways 25, 27, 29, and 31. Each floor including a passageway is shown separated by a solid line, as is commonly understood in schematics as showing different floors or tiers. Thus, at least the example embodiment of FIG. 1 illustrates the claimed feature “plurality of passageways from said feeding area to said resting area are arranged in at least two floors” sufficiently to understand the invention as required by 35 U.S.C. § 113. Withdrawal of the objection to the drawings is respectfully requested.

Claim Rejections – 35 U.S.C. § 112, ¶ 2

The Examiner rejects claim 9 under 35 U.S.C. § 112, second paragraph for being indefinite. Specifically, the Examiner states that “the plurality of milking robots” in the claim lacks antecedent basis. Applicants have amended claim 9 to recite “said at least one milking robot” having proper antecedent basis in claim 1. Withdrawal of the rejection to claim 9 under 35 U.S.C. § 112, second paragraph is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 4-5, 7, 17 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Maasland et al. (EP 0608941, hereinafter “Maasland”). Applicants respectfully traverse this rejection for the reasons detailed below.

With regard to claim 1, Applicants note that the claim has been amended to recite that the separating device and area arrangement “are configured to **mix** the plurality of groups including the large number of milking animals in at least one of said resting, feeding and milking areas.” Maasland teaches an automated scheduling system that requires groups of animals to **remain separate** in any of the feeding, resting, or milking areas applied by the Examiner. See Maasland, Col. 3, ll. 41-53. Each group of animals is given a unique schedule for certain activities in Maasland; none of the automated devices in Maasland are configured to mix the groups, because doing so would destroy the unique group schedule. See Maasland, Col. 3, l. 56 – Col. 5, l. 29.

Thus, Maasland does not disclose any arrangement or system devices configured to mix milking animals as recited in claim 1 as amended.

Because Maasland fails to teach or suggest each and every feature of claim 1 as amended, Maasland cannot anticipate or render obvious claim 1. Claims 1, 4-5, 7, 17, and 20 are allowable at least for depending from an allowable base claim. Withdrawal of the rejections under 35 U.S.C. § 102(b) to claims 1, 4-5, 7, 17, and 20 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 2-3, 9-10, 18 and 21-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maasland. Applicants respectfully traverse this rejection for the reasons detailed below.

With regard to claim 21, the Examiner alleges that Maasland discloses **partitions that are “linked to said milking area** so that milking animals housed in the respective section have **access to a subset only of said plurality of milking boxes**” because only one animal can go in one box in Maasland. Applicants respectfully submit that the partitions between the resting areas 4-11 are **not linked** to the milking area 31 or 32 and do not prevent access to any milking box. See Maasland, FIG. 1, elements 4-11, 31, 32. An animal is free to use any subset of milking boxes, regardless of the partitions between areas 4-11. If anything, under the Examiner’s rationale, it is the size of the milking box or presence of a milking animal that is configured

to provide access to only a subset of the milking boxes. This is not what claim 21 recites. Thus, Maasland lacks the partitions as recited in claim 21.

Claims 6, 11-16, 19 and 26-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maasland in view of Hendrik et al. (EP 1213676, hereinafter “Hendrik”). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Maasland in view of Conover (US 3,261,324, hereinafter “Conover”). Applicants respectfully traverse this rejection for the reasons detailed below.

None of Hendrik and Conover cure the disclosure and suggestion deficiencies of Maasland, discussed above. Because Maasland, alone or in combination with Hendrick and Conover, fails to teach or suggest each and every feature of claims 1 or 21, these references cannot anticipate or render obvious claims 1 or 21. Claims 6, 11-16, 19 and 26-27 are allowable at least for depending from an allowable base claim. Withdrawal of the rejection under 35 U.S.C. § 103(a) to claims 6, 11-16, 19 and 26-27 is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-29 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

John A. Castellano, Reg. No. 35,094

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/REA: tlt